IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 693 of 1999()

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CRA.67/1995 of SESSIONS COURT, PALAKKAD
CC.98/1992 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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REVN. PETITIONER/APPELLANT/ACCUSED:

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PAPPAMMA, W/O.RAJAMANI,
VADAPARAMBU, KANNADI, PALAKKAD
HAVING THE PRESENT ADDRESS AT
CHAKKANTHARA, MELAMURI, PALAKKAD
NO.II VILLAGE, PALAKKAD.

BY ADV. SRI.H.BADARUDDIN

RESPONDENT/RESPONDENT/COMPLAINANT:

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THE STATE OF KERALA REP. BY THE
SUB INSPECTOR, TOWN SOUTH POLICE STATION,
PALAKKAD (CRIME NO.8/92).

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.K. BALI, C.J.**

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**Crl.R.P.No.693 of 1999**

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Dated, this the 6th day of December, 2006

**ORDER**

**V.K.Bali,C.J.(Oral)**

The petitioner along with her co-accused A2 and A3 was tried for offences under Sections 341 and 324 read with Section 34 of the Indian Penal Code. Whereas A2 and A3 were acquitted petitioner alone was held guilty for offence under Section 324 IPC and sentenced to undergo rigorous imprisonment for a period of six months and also to pay a fine of Rs.1000/- and in default of payment of fine to undergo simple imprisonment for a period of one month more, vide order dated 3rd April, 1995 passed by the Judicial First Class Magistrate-III, Palakkad. In the appeal preferred against the order aforesaid the learned Sessions Judge, Palakkad modified the judgment and reduced the sentence to undergo rigorous imprisonment for a period of three months vide order dated 25th September, 1998. It is against these two orders that the present revision has been filed.

2. The learned counsel appearing for the petitioner without

joining issues on the merits of the case contends that the occurrence pertains to the year 1992 and in the manner aforesaid the petitioner has already undergone agony of a protracted trial spanned over a period of more than 14 years and that at this distance of time she may not be sent to serve a jail term.

3. Having considered the entire facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioner is rather asked to pay a fine of Rs.3000/- (Rs.Three thousand) instead of undergoing the jail term. Ordered accordingly. The fine if realised would be made over to the injured Shanmughan (P.W.1). If the fine as mentioned above is not paid the petitioner would undergo the jail term as imposed by the lower appellate court.

Revision petition is disposed of accordingly.

**V.K. BALI,**
**CHIEF JUSTICE.**

vns